DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the subject matter of Claims 2 and 3 therein, modified/supplemented with further subject matter, as supported in the specification at page 11, first and second full paragraphs; page 12, first full paragraph; the paragraph bridging pages 12 and 13; and page 18, lines 15-23. Claims 2 and 3 have been canceled. Corresponding amendments have been made to Claims 6, 11 and 16. Claims 7, 8, 12, 13, 17, 18 and 21 have been canceled. Remaining amendments involve change in dependency to be consistent with the above-discussed amendment.

New Claims 22-29 have been added. Claims 22-25 are supported in the specification at Tables 1 and 2. Claims 26-29 are supported in the specification beginning at page 8, fourth paragraph through the end of the paragraph bridging pages 8 and 9.

No new matter is believed to have been added by the above amendment. Claims 1, 4-6, 9-11, 14-16, 19, 20 and 22-29 are now pending in the application.

REMARKS

The rejections under 35 U.S.C. § 102(b) of Claims 1, 3-6, 8-11, 13-16 and 18-20 as anticipated by US 2002/0137622 (Tokita et al), and of Claims 16 and 18-20 as anticipated by US 5,862,034 (Sato et al), are respectfully traversed. The above-amended claims contain the limitations of Claims 2, 7, 12 or 17 (modified to contain a narrower limitation with regard to average particle size), not subject to these rejections. Accordingly, it is respectfully requested that the rejections be withdrawn.

The rejection of Claim 21 under 35 U.S.C. § 102(b) as anticipated by JP 2003-309036 (JP '036), is respectfully traversed. The rejection is moot in view of the cancellation of this claim. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejections under 35 U.S.C. § 103(a) of:

Claims 2, 7 and 12 as unpatentable over Tokita et al in view of JP 2001-167631 (JP '631), and

Claim 17 as unpatentable over Sato et al in view of JP '631,

are respectfully traversed.

Tokita et al discloses a dielectric ceramic composition and a multilayer ceramic capacitor using the composition, wherein the dielectric ceramic composition comprises barium titanate as a main component and various subcomponents (Abstract), which vary according to the various embodiments disclosed therein. The Examiner acknowledges that Tokita et al does not disclose any of the stress limitations as recited in the present claims, but finds that they are inherent in Tokita et al, based on the Examiner's finding that the multilayer ceramic capacitor of Tokita et al is formed with the same materials and process as the present invention.

The Examiner also acknowledges that Tokita et al does not disclose average particle size of the raw material powder for their internal electrode layer. The Examiner thus relies on JP '631.

JP '631 relates to ultrafine particle conductive paste suitable for formation of a 1.0 μm or less thick thin conductor, used for formation of a laminated ceramic capacitor, the internal electrode of a multilayer ceramic board, etc. [0001].

In reply, Tokita et al discloses that the average particle size of the raw material for their dielectric layers is 0.5 to 1.5 μm in order to obtain an average crystalline particle diameter of 2.0 μm or less of their dielectric ceramic composition [0052]. However, it is submitted that Tokita et al discloses such particle sizes merely in order to have a manufacturing advantage, such as to more stably produce the multilayer ceramic capacitor. In other words, Tokita et al does not disclose a functional advantage for their capacitor, such as capacitance aging having any relationship to such particle size, which advantage is recognized by Applicants, as described in the specification at page 11, first full paragraph. As described therein, capacitance aging becomes small when the corresponding average particle size is more than 0 and not more than 0.45 μm, and therefore, the ceramic capacitor has a large capacitance and a high reliability. In particular, as shown by the newly-submitted Nakano Declaration, capacitance aging when the average particle size of a dielectric layers is 0.55 μm (more than 0.5 μm) is larger than when of the average particle size of a dielectric layers is 0.45 μm or 0.35 μm (less than 0.5 μm). Thus, Tokita et al does not recognize that the average particle size of the raw material powder for the dielectric layers is a result-effective variable. Thus, the present claims are patentable under the rationale of *In re Antonie*, 559 F.2d 618, 195 USPQ 6, 8-9 (CCPA 1977) (**copy enclosed**) (exceptions to rule that optimization of a result-effective variable is obvious, such as where the results of

optimizing the variable are unexpectedly good or where the variable was not recognized to be result effective). Applicants are entitled to prevail under either of the above exceptions.

JP '631 does not remedy the above-noted deficiencies of Tokita et al, because JP '631 also does not recognize that the above raw material particle size is a result-effective variable.

Sato et al also discloses a multilayer ceramic chip capacitor. The Examiner finds essentially the same inherency therein that he finds in Tokita et al. Thus, everything stated above in the traversal of the rejection over Tokita et al in view of JP '631 applies herein as well.

For all the above reasons, it is respectfully requested that the rejections be withdrawn.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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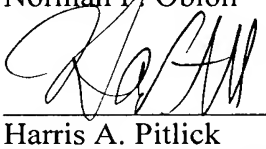
Norman F. Oblon



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